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**DEPARTMENT OF STATE**

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	<b>Board of Dietetics and Nutrition</b>
MEETING DATE AND TIME:	<b>Friday, November 12, 2010 at 1:30 p.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room B</b> , first floor of the Cannon Building
MINUTES APPROVED:	February 11, 2011

**MEMBERS PRESENT**

Mary Trotter, L.D.N., Vice President  
Elizabeth Tschiffely, L.D.N, Secretary  
Maryann Eastep, L.D.N., Professional Member  
Christy Vanderwende, Public Member  
Patricia Hawkins, Public Member

**MEMBERS ABSENT**

None

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER PRESENT**

Patricia Davis-Oliva, Deputy Attorney General  
Nancy Fields, Administrative Specialist II  
Diane Crockett, Administrative Specialist II  
Lorena Hartnett, Court Reporter

**OTHERS PRESENT**

Stuart Swinger, Nature's Way  
John Williams, Esquire

**CALL TO ORDER**

Ms. Trotter called the meeting to order at 1:38 p.m.

**REVIEW OF MINUTES**

The Board reviewed the minutes from the August 13, 2010 meeting. A motion was made by Ms. Vanderwende, seconded by Ms. Hawkins, to approve the minutes as amended to change Ms. Hawkins to Ms. Tschiffely as seconding the motion made to ratify the CDR applicants who had been granted licenses by the Division of Professional Regulations. The motion unanimously carried.

**UNFINISHED BUSINESS**

**PTD Hearing for Stuart Swinger**

Ms. Davis-Oliva stated the purpose of the hearing was to allow Mr. Swinger the opportunity to provide proof to the Board that he meets the qualifications of licensure after the Board proposed to deny his application. PTD was based on Mr. Swinger not meeting the required 10 years of experience. The

Board and applicant exhibits were entered into evidence and the Board was introduced. Mr. Swinger was present, along with his lawyer, Mr. Williams. The applicant was sworn in by the court reporter. He presented evidence to the Board including letters of reference from doctors he has worked with and from several of his patients detailing the results they have gotten from consulting with Mr. Swinger. He also provided a letter of employment from when he worked at the Chrysalis Natural Medicine Clinic and also a copy of a counseling assessment form he uses to analyze his patients' needs which he states is thorough.

After hearing the testimony, the Board went off the record for deliberations. The Board questions Mr. Swinger's experience as whether or not it is more in the retail and supplement fields rather than including the entire scope of what is expected of a nutritionist. In addition, the documentation provided showing experience does not indicate exact time. The Board is unclear whether Mr. Swinger truly has 10 years of consistent relevant experience.

The Board went back on the record and decided they could either deny Mr. Swinger's application or table it and allow him to continue his hearing at the next scheduled meeting on February 11, 2011. He will need to provide further proof that he meets the required experience in order for the Board to consider approval of a license. Mr. Swinger advised the Board that he would like the extension and that he will come back with further proof as the Board asked. This proof should include care plans, better documented time showing experience, and continuity in follow-ups with patients.

A motion was made by Ms. Trotter, seconded by Ms. Eastep, to allow his application to be tabled awaiting additional documentation. The motion was unanimously carried. Mr. Williams advised that he will stay in touch with the Board's attorney for any questions or verification of the proper documentation needed.

## **NEW BUSINESS**

### **Application Review**

There were no applications to review.

### **Ratification of Licensure**

A motion was made by Ms. Eastep, seconded by Ms. Hawkins, to ratify the following CDR applicants who had been granted licenses by the Division of Professional Regulations: Nicole Pesce, Meredith Moeller, Jennifer Jamrok and Stacia Helfand. The motion unanimously carried.

## **OTHER BUSINESS BEFORE THE BOARD** (for discussion only)

Ms. Fields introduced Ms. Crockett as the new Board Administrative Specialist.

## **ELECTIONS**

Ms. Trotter nominated Ms. Tschiffely as Board President. Ms. Tschiffely accepted. Ms. Tschiffely nominated Ms. Eastep as Secretary. Ms. Eastep accepted. Ms. Trotter will stay on as Vice President until her term ends in April 2011. A motion was made by Ms. Tschiffely, seconded by Ms. Trotter, to accept election results. The motion was unanimously carried.

## **PUBLIC COMMENT**

None

## **NEXT SCHEDULED MEETING**

The next meeting will be held on Friday, February 11, 2011 at 1:30 p.m.

## **ADJOURNMENT**

There being no further business, a motion was made by Ms. Tschiffely, seconded by Ms. Eastep, to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 3:54 p.m.

Respectfully submitted,

Diane Crockett  
Administrative Specialist II